

to a method for producing a high brightness light emitting diode.

Applicant continues to assert allowability of Species I including Claims 11 - 22 drawn to a high brightness emitting diode for purposes of further prosecution thereof in a Divisional, Continuation, Continuation-in-part application or otherwise.

Applicant does not traverse the Restriction.

R E M A R K S

Comments of the Examiner have been reviewed carefully along with pertinent sections of the Patent Act, Patent Rules, Manual of Patent Examining Procedure, legal treatises and relevant decisional law. In response to the Restriction, Species II, Claims 1 - 10 have been elected and Applicant has not traversed the Restriction.

Species of invention I and II relate respectively to a product and related method. The Examiner has held that the product could be made without employing the method and the method could be employed to make other materially different products. The Examiner further takes a position that the species of invention are distinct each from the other and that they have acquired separate status in the art as shown by their different classification.

Applicant reserves its right to prosecute invention Species I further in a Divisional, Continuation, Continuation-in-part application or otherwise.

Applicant believes that the foregoing is a complete response to the Restriction requirement. However, if anything further is required, please telephone Applicant's United States Patent Attorney identified below.

Courtesy, cooperation and skill of Examiner Victor A. MANDALA, Jr. are appreciated and acknowledged.

Respectfully,

By: Charles E. Baxley
CHARLES E. BAXLEY
Attorney of Record
USPTO Reg. 20,149
90 John Street, Third Floor
New York, New York 10038
Telephone (212) 791-7200
Facsimile (212) 791-7276
E-mail ceb@hartbaxley.com

CEB:lcr/13941 B